

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

XR COMMUNICATIONS, LLC, dba
VIVATO TECHNOLOGIES,

Plaintiff,

v.

AT&T SERVICES INC., AT&T MOBILITY
LLC and AT&T CORP.,

Defendants,

ERICSSON INC. and
NOKIA OF AMERICA CORPORATION,

Intervenors.

Case No. 2:23-cv-00202-JRG-RSP

(Lead Case)

JURY TRIAL DEMANDED

XR COMMUNICATIONS, LLC, dba
VIVATO TECHNOLOGIES,

Plaintiff,

v.

T-MOBILE USA, INC.,

Defendant,

ERICSSON INC. and
NOKIA OF AMERICA CORPORATION,

Intervenors.

Case No. 2:23-cv-00204-JRG-RSP

(Member Case)

JOINT STIPULATION OF DISMISSAL AS TO U.S. PATENT 10,594,376

Plaintiff XR Communications, LLC, dba Vivato Technologies (“Plaintiff”), Defendant T-Mobile USA, Inc. (“T-Mobile”); and Intervenors Nokia of America Corporation and Ericsson Inc. (“Intervenors”) (collectively, Plaintiffs, T-Mobile, and Intervenors are “Parties”) jointly request and stipulate to, pursuant to Red. R. Civ. P. 41(a)(1)(ii), dismissal with prejudice of Plaintiff’s claim for infringement of U.S. Patent No. 10,594,376 (“the ’376 Patent”) (*i.e.*, Count III) and

dismissal without prejudice of Intervenor's counterclaims against Plaintiff for Declaratory Judgment of Non-Infringement of the '376 Patent, *i.e.*, the Third Counterclaim. *See* Dkt. Nos. 59 and 62. For the sake of clarity, this Stipulation of Dismissal is limited to the claims and counterclaims applicable to the '376 Patent and does not apply to claims, or counterclaims applicable to the other asserted patents. The Parties further stipulate that Plaintiff (on the one hand) and Defendants and Intervenor (collectively on the other hand) shall bear their own costs, expenses, and attorney's fees with respect to the dismissed claims and counterclaims concerning the '376 patent.

Dated: February 23, 2024

COUNSEL FOR PLAINTIFF

/s/ Reza Mirzaie

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on February 23, 2024, a true and correct copy of the foregoing was filed with the Court's CM/ECF service, which will provide an electronic notification of the service of such pleading to all counsel of record.

/s/ Reza Mirzaie
Reza Mirzaie